

EXECUTIVE OFFICER SUMMARY REPORT  
December 13, 2006

ITEM: 8

SUBJECT: **Consideration of Settlement Offer:** Palmilla, LLC and Glenwood Development Co. Construction site at Jackson Avenue and Nutmeg Street, Murrieta. Alleged violation of Directive No. 3 of Cleanup and Abatement Order (CAO) No. R9-2005-0259. The Regional Board will consider adopting a resolution (Tentative Resolution No. R9-2006-0129) consisting of:

- A. Approval of Glenwood Development Co.'s payment of \$15,000 to the State Board's Cleanup and Abatement Account in settlement of all outstanding liability associated with the alleged violation of CAO Directive No. 3; and
- B. Amendment of the CAO to extend the deadline for completion of CAO Directive No. 3 to July 31, 2008. (Tentative Addendum No. 1 to CAO R9-2005-0259.) (Frank Melbourn)

PURPOSE: Accept public comment on the item, and consider adoption of the tentative resolution and CAO amendment.

PUBLIC NOTICE: Notice of the proposed settlement was published in the Press-Enterprise newspaper on October 5, 2006 and posted on the Regional Board website on October 3, 2006. See Document No. 2.

DISCUSSION: On January 13, 2006, Glenwood Development Co. (Glenwood) obtained the Palmilla construction site from Palmilla, LLC and Dendy Real Estate and Investment Company, Inc. (collectively Dendy) following the unexpected death of their principal. Glenwood elected to redesign the 14.36 acre construction site. As a result Glenwood was unable to meet the compliance date of January 31, 2006 established in CAO Directive No. 3. The directive required 1,045 linear feet of on-site wetlands/waters of the state to be restored as a result of Dendy's unauthorized filling of an unnamed creek tributary to Murrieta Creek. See Document No. 3.

Glenwood is offering to pay \$15,000 to the State Board's Cleanup and Abatement Account to settle the potential liability for the delayed restoration. In addition, Glenwood requested that the deadline for Directive No. 3 be extended to July 31, 2008. See Document No. 4. Tentative Addendum No. 1 to CAO R9-2005-0259 (Document No. 5) does three things to the CAO:

1. Extends Directive No. 3's deadline to July 31, 2008;
2. Adds Glenwood as a discharger under the CAO; and
3. Adds updated standard CAO terms.

As of November 28, 2006, the Regional Board has not received any comments on the matter.

**SUPPORTING  
DOCUMENTS:**

1. Site Map
2. Public Notice
3. CAO No. R9-2005-0259
4. Glenwood letter of April 20, 2006
5. Tentative Addendum No. 1 to CAO R9-2005-0259
6. Tentative Resolution No. R9-2006-0129

**RECOMMENDATION:**

Adopt Tentative Resolution No. R9-2006-0129 and Tentative Addendum No. 1 to CAO R9-2005-0259.